

NANCY S. REINHOLD
CLERK OF COURTS
STARK COUNTY, OHIO

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

2009 OCT 22 PM 1:46

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| 2009 OCT 22, PM 1:46 | : | Case No. 2009 CR 1330(A)(B)(C) |
| Plaintiff, | : | Judge Sinclair |
| v. | : | |
| Michael Clark, Duane Harsh and | : | Plea and Sentencing Entry |
| Clark's Hauling, | : | |

Defendant, Michael Clark, appeared in open court October 21, 2009, with counsel Jeffrey R. Jakimides. Defendant, Duane Harsh, appeared with counsel, Kelly Murray. Representing the State was Assistant Attorney General, Robert Cheugh.

The court was apprised that the parties had entered a plea agreement wherein the Defendants were withdrawing their not guilty pleas to the charge of Illegal Emission of Air Contaminants, a violation of R.C. 3704.05, an unclassified misdemeanor and entering a plea of guilty to that charge. The State was dismissing the remaining two counts of their indictments and dismissing the charges against the Defendant, Clark's Hauling.

The Defendants were advised of their constitutional rights and penalties and the terms of the plea agreement. The Defendants entered their respective guilty pleas to the charge of Illegal Emission of Air Contaminants, a violation of R.C. 3704.05 and the court found that the pleas were voluntary and accepted their pleas.

The advised the Defendants that the offense of Illegal Emission of Air Contaminants was an unclassified misdemeanor for which the possible penalties include a fine of up to \$25,000 and/or a term of incarceration of not more than one year.

Consistent with Criminal Rule 32 and R.C. Title 29, the court provided all parties an opportunity to be heard. After hearing from the parties and after considering the

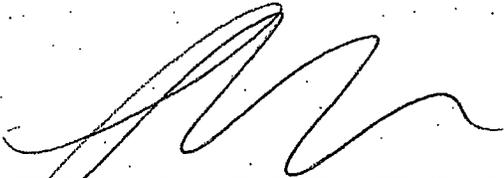
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factors, principles and purposes sentencing under R.C. Title 29, along with the sentencing recommendation of the parties, the court imposes the following sentences.

IT IS THEREFORE ORDERED, that the Defendant Michael Clark, be sentenced to one year of incarceration, time being suspended with satisfactory completion of his remaining sentence. He shall pay a fine of \$3,500; complete 50 hours of community service; be placed on community control for one year; pay court costs; obey all laws and regulations and comply with all environmental rules. The court set a disposition hearing for April 7, 2010 at 10:00 am.

Duane Harsh is sentenced to one year of incarceration, time suspended with satisfactory completion of the terms of his sentence. He shall pay a fine of \$1,000; serve 50 hours of community service; be placed on community control for one year; pay court costs; obey all laws and comply with all environmental rules. The court set a disposition hearing for April 7, 2010 at 10:00 am.



Judge Lee Sinclair